

U.S. Patent Application No.: 09/752,227  
Art Unit: 1714  
Page 2

### **REMARKS**

#### **Pending Claims**

Claims 57-67, 70-72, 80, 82, and 84-86 are pending.

#### **Non-Statutory Double Patenting Rejection**

The Examiner has rejected claims 57, 59-62, 65-67, 80, 82, and 84-85 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8-9, and 11-14 of U.S. Patent No. 6,478,863 (Johnson et al.). In paragraph 3 of the Office Action, the Examiner states that, although the conflicting claims are not identical, they are not patentably distinct from each other.

In paragraph 4 of the Final Office Action, the Examiner states that, while Applicants filed a terminal disclaimer on July 20, 2005, this has not been accepted since the person who signed the terminal disclaimer is not recognized as an officer of the assignee and has not been established as being authorized to act on behalf of the assignee.

In response, a Terminal Disclaimer is filed herewith, signed by a person who is recognized as an officer of the assignee. In view of this filing, Applicants respectfully request that the double patenting rejection of claims 57, 59-62, 65-67, 80, 82, and 84-85 be withdrawn.

#### **Allowable Subject Matter**

In paragraph 5 of the Final Office Action, the Examiner states that claim 86 is allowable over the "closest" prior art of record. Also, in paragraphs 6 and 7, the Examiner has objected to claim 58, 63-64, and 70-72 as being dependent upon a rejected base claim but further states that

U.S. Patent Application No.: 09/752,227  
Art Unit: 1714  
Page 3

this claim would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.


Applicants wish to thank the Examiner for the allowance of claim 86. However, in view of the comments provided herein, Applicants further believe that claims 57-67, 70-72, 80, 82, and 84-85 should also be found allowable.

### Conclusion

In view of the foregoing remarks, Applicants believe that this application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would further expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

By:

  
Dr. Robert M. Amici  
Reg No. 52,554  
CABOT CORPORATION  
Law Department  
157 Concord Road  
Billerica, MA 01821-7001  
(978)-670-6191

Date: January 6, 2006  
Attorney Docket No.: 97078CIPDIV1